

REMARKS

Claims 1-10 are pending in this present application. On July 31, a Notice of Allowance was issued allowing claims 1-10.

In a related application (Patent App. Ser. No. 09/938,459, *hereinafter*, '459 Application), the Examiner issued a Non-Final Office Action on March 12, 2007 containing a rejection of claims 2 and 14 under 35 U.S.C. § 112 first paragraph for lack of enablement. *See* March 12 Non-Final Office Action in '459 Application, attached as Exhibit A. Claim 2 in the '459 Application is a method claim that is similar to apparatus Claim 2 of the present application. In a response to the 112 rejection, claim 2 in the '459 Application was amended. *See* Response to March 12 Non-Final Office Action in the '459 Application, attached as Exhibit B.

Applicants are submitting this preliminary amendment in an RCE prior to paying the Issue Fee for two reasons. First, Applicants wanted to make the Examiner aware of the March 12 Non-Final Office Action in the '459 Application. Second, Applicants respectfully submit that the 112 rejection was improper and correctly not made in this pending application. While claim 2 in the '459 Application was amended purportedly to overcome the 112 rejection, Applicants respectfully submit that pending claim 2 need not be amended. Any amendments made herein are to clean up some of the typos in the claim language.

In the March 12, 2007 Non-Final Office Action, the Examiner states:

Claims 2 and 14 calls for a second frequency shifting/shifter the compressed signal to generate a second compressed signal. However, no disclosure supporting the subject matter is found the originally filed specification. Fig. 1 shows "the compressed signal" (112) which is generated after a GPS signal is downconverted at the mixer (110) and subjected to the comb filter (120). However, Fig. 1 shows no additional frequency shifting element operating on the "compressed signal (122). The "compressed signal" is next applied to a bandpass filter (128) which cannot shifting the frequency of an input signal. (sic).

See March 12, 2007 Non-Final Office Action in the '459 Application, pg. 4.

Applicants respectfully submit that the Examiner is wrong. The bandpass filter 128

in Fig. 1 is a “bandpass filter signal combiner 128.” *See* Specification pg. 7. By filtering AND combining the signals from the mixers 126, the bandpass filter 128 operates as a frequency shifter. Figs. 2A-2H demonstrate the frequency shifting functions of both the first and second frequency shifter recited in claims 1 and 2.


Applicants respectfully submit that the Examiner in this application correctly found that no § 112 issues exist as to any of the pending claims. Applicants respectfully request confirmation that in view of the March 12, 2007 Non-Final Office Action in the ‘459 Application, claims 1-10 remain in condition for allowance.

CONCLUSION

Favorable consideration is respectfully requested in view of the following amendments and remarks.

The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment, to our Deposit Account No. 50-2542. A copy of this sheet is enclosed.

Respectfully submitted,

Dated: 10/31/07 By: 

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